
CR 03-116

The Wisconsin Department of Transportation proposes an order to amend TRANS 300.15(2)(d), 300.31(4), 300.34(1), (4)(c) and (f), 300.54(1)(a)1.c., 2., 9., (d)1. and (L), 300.59, 300.60(4), 300.64(2) and (3)(c), 300.69(3) and 300.73; repeal and recreate TRANS 300.81(6); and create TRANS 300.19(5), 300.34(4)(k) and 300.355, relating to school bus equipment standards

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1), 110.06(2) and 347.445, Stats.

STATUTES INTERPRETED: ss. 110.06 and 347.445, Stats.

General Summary of Proposed Rule. This proposed rule making will address the installation, operation and specifications for retractable school bus crossing gates which will be required on all school buses effective May 1, 2004 as provided by 2001 Wis. Act 58. The Department is also taking this opportunity to clarify minor points of confusion and to update the rule to include approved changes in equipment manufacturing standards, practices and technology.

Fiscal Effect. The Department estimates that there will be no fiscal impact on state revenues or liabilities. The Department estimates that there will be minimal fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The proposed rule will have no fiscal effect independent of the fiscal impact of s. 347.455, Stats. It is estimated that the cost to retrofit existing buses with crossing gates will be \$250.00 per bus and that the additional cost to purchase crossing gates as part of a new bus will be \$175.00 per bus. The delayed effective date of 2001 Wis. Act 58 allows school districts and school bus contractors to budget and plan for these additional costs for their school bus fleets.

Copies of Proposed Rule. Copies of the rule may be obtained upon request, without cost, by writing to Sgt. David Pabst, Department of Transportation, Division of State Patrol, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-0264. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 110.06(2) and 347.445, Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 110.06 and 347.445, Stats., relating to school bus equipment standards.

SECTION 1. Trans 300.15(2)(d) is amended to read:

Trans 300.15(2)(d) The initial inspection and a copy of the latest inspection performed by state employees employees.

SECTION 2. Trans 300.19(5) is created to read:

Trans 300.19(5) Remove the crossing gate.

SECTION 3. Trans 300.31(4) is amended to read:

Trans 300.31(4) A type A-I, B, C or D school bus when equipped with air or vacuum assisted brakes shall be equipped with a reserve tank having a capacity of not less than 1,000 cubic inches to provide additional air or vacuum for the primary brake system. There shall be a check valve or pressure protective valve to protect the system from loss of air or vacuum. There shall be no accessory except the low pressure warning device operated from the air or vacuum reserve tank or its connecting lines. The low pressure warning system shall be installed to indicate the air pressure or vacuum in the tank. The gauge required to monitor this system shall be visible to the driver at all times. Unless previously equipped, a type A-I school bus with a GVWR of 11,500 pounds or less that uses vacuum assisted brakes is not required to be equipped with an additional reserve tank and gauge, provided the vacuum assist system meets FMVSS No. 105.

SECTION 4. Trans 300.34(1), (4)(c) and (f) are amended to read:

Trans 300.34(1) All school buses shall be painted national school bus glossy yellow with the exception of the trim, grill, wheels and the bumpers. Grills and wheels may be chrome, black, yellow, silver, or gray. Engine hood tops may be painted matte black or lusterless yellow for glare reduction.

(4)(c) Window sash, seals, gaskets, pillars, and bands on exposed edges.

(f) Lamp flanges, housings, and an area around the ~~7-inch~~ tail lamp lamps or combination stop and turn lamps not to exceed 3 inches. Areas adjacent to rub rails may exceed 3 inches to the extent of the width of the rub rail.

SECTION 5. Trans 300.34(4)(k) is created to read:

Trans 300.34(4)(k) Service door.

SECTION 6. Trans 300.355 is created to read:

Trans 300.355 Crossing gate. (1) All school buses shall have a crossing gate installed by May 1, 2004.

(2) The crossing gate shall be mounted on the right side of the front bumper and shall open to 90 degrees.

(3) The crossing gate shall meet or exceed SAE J1133. The crossing gate shall be constructed of noncorrosive or nonferrous material or treated in accordance with body sheet metal specifications and shall have no sharp edges or projections that could cause hazard or injury to students. The color may be yellow, black, silver or gray.

(4) The crossing control arm shall extend a minimum of 70 inches, measured from the bumper at the arm assembly attachment point, when in the extended position. The arm shall extend simultaneously with the stop arm by means of the stop arm controls.

(5) An automatic recycling interrupt switch may be installed for temporary disabling of the crossing control arm. An electromagnetic device may be installed to stabilize the arm when in the stored position.

SECTION 7. Trans 300.54(1)(a)1., 1.c., 2., 9., (d)1. and (L) are amended to read:

Trans 300.54(1)(a)1. The bus shall be equipped with 2 red warning lamps at the rear of the bus and 2 red warning lamps at the front of the bus, which shall be controlled by a manually actuated switch and shall flash alternately at rate of 60 to 120 cycles per minute. A brake or door operated switch is not permitted. The "on" period shall be long enough to permit bulb filament to come to full brightness. Two additional red warning lamps to the front and 2 to the rear may be installed inboard and at the same level as the required lamps. If so equipped, the system of red warning lamps shall be of equal size and wired so that the inboard lamps are energized manually. The outboard lamps shall be automatically energized and the inboard lamps automatically de-energized when the stop signal arm is extended.

1.c. The optional system shall have units with a red lens of at least the same diameter size as the required alternating lights. The alternating "on," "off" positions shall be opposite from those of the required alternating lights. The effect will produce the required top mounted flashing light and an optional mid-height mounted light to flash on opposite sides simultaneously. The result can be described as a "wig-wag" or "cross-arm" effect.

2. The red warning lamps shall be of seal beam construction or other approved type such as strobe or light emitting diode, not less than 5 inches in diameter or with a surface area of at least 19 square inches if not round and visible from a distance of at least 500 feet along the axis of the vehicle in bright sunlight.

9. The area around the lens of each alternately flashing red signal lamp and extending outward approximately 3 inches to the top and sides and a minimum of one inch to the bottom shall be painted black on all school buses. This subdivision does not

apply to vehicles not specifically manufactured as school buses and which have red warning signal lamps mounted above the roof top. Red warning signal lamps on such buses shall be equipped with black hoods at least 3 inches long.

(d)1. There shall be at or near the front, facing forward, one amber turn signal light on each side of the vertical centerline mounted at the same height, as wide as practicable. The bus may be equipped with signals mounted in the body or chassis. If not equipped with body or chassis mounted front turn signals, double faced signals shall be installed either on the fender or hood and shall be as wide as practicable. Mounting of double faced signals may not be higher than the bottom of the windshield or lower than the headlamps. ~~This paragraph does not apply to buses of 10,000 pounds GVWR or less provided the bus meets the requirements of s. 347.15, Stats.~~

(L) There shall be 2 red stop lamps meeting the requirements of SAE J586 mounted on the rear, one on each side of the vertical centerline at the same height and as far apart as practicable. Type A-I, B, C or D buses shall be equipped with lamps at least 7 inches in diameter or with at least 38 square inches of surface area if not round. The stop lamps shall activate upon application of the service brakes.

SECTION 8. Trans 300.59(1) is amended to read:

Trans 300.59(1) All seats shall be forward facing and securely fastened to that part or parts of the body which support them. Passenger seat cushions shall be fastened to prevent the cushions from disengaging from the seat frames in event of an accident. There shall be a minimum space of 24 inches between the forward surface of a seat back and the rear surface of the seat or barrier ahead measured across the seat cushion without depressing any surface. The forward surface of seat backs may have

side bolsters that briefly reduce the width to less than 24 inches provided the remainder of the seat measures at least 24 inches.

SECTION 9. Trans 300.60(4) is amended to read:

Trans 300.60(4) The upper and lower glass panels of the service door shall be of safety glass. The bottom of the lower glass panel may not be more than 35 inches from the ground when the bus is unloaded. The top of the upper glass panel may not be more than 6 inches from the top of door. The upper glass panel ~~must~~ shall be of insulated glass or of a thermo electric design that performs at least as well as insulated glass.

SECTION 10. Trans 300.64(2) and (3)(c) are amended to read:

Trans 300.64(2) ~~Any bus manufactured after January 1, 1978, shall have the stop signal arm controlled by the service door. The stop signal arm may not become operational until the service door opens.~~ The stop signal arm shall be installed in such a manner that it cannot be activated unless the alternately flashing red lamps are in operation.

(3)(c) It shall be equipped with 2, 4-inch or larger, double faced alternating flashing red lamps to be mounted near the perimeter of the sign with a minimum of 12 inches spacing between lamp centers ~~or the sign may be equipped with high visibility, light emitting diodes that flash and spell out the word "STOP".~~ These lamps shall be wired to the circuit of the flashing red warning lamps mounted on the front and rear of the bus. These lamps may be strobe lamps or light emitting diodes. In lieu of the 2 double faced alternating flashing red lamps, the stop signal arm may be equipped with

red flashing, high intensity visibility light-emitting diodes incorporated into the word "STOP," in accordance with the requirements of sub. (3)(b).

SECTION 11. Trans 300.69(3) is amended to read:

Trans 300.69(3) On type A-I, B, C or D buses, the window to the driver's immediate left and the window immediately to the rear of the service door shall be ~~hermetically sealed glass with an insulating air space~~ of insulated glass or of a thermo electric design that performs at least as well as insulated glass. Exceptions are cutaway van based vehicles manufactured in 2 stages equipped with a driver's door and a roll-up window. If a lift and lift door are located immediately to the rear of the service door, the window in the lift door is not required to meet this requirement. The window to the rear of the lift door may be glazing applicable to other windows.

SECTION 12. Trans 300.73 is amended to read:

Trans 300.73 Wiring. All circuits of the bus shall be protected by a circuit breaker, field effect transistors, or fuse of sufficient rating to handle the current load.

SECTION 13. Trans 300.81(6) is repealed and recreated to read:

Trans 300.81(6) AIR FOIL. A school bus may be equipped with a yellow or black air foil system on the top rear. An air foil system shall be mounted so as not to interfere with the visibility of required lights and lettering.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 14th day of
January, 2004.

Frank J. Busalacchi
FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

PART 3 CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-116

AN ORDER to amend Trans 300.15 (2) (d), 300.31 (4), 300.34 (1) and (4) (c) and (f), 300.54 (1) (a) 1. c., 2. and 9., (d) 1. and (L), 300.59, 300.60 (4), 300.64 (2) and (3) (c), 300.69 (3) and 300.73; to repeal and recreate Trans 300.81 (6); and to create Trans 300.34 (4) (k) and 300.355, relating to school bus equipment standards.

Submitted by **DEPARTMENT OF TRANSPORTATION**

11-24-2003 RECEIVED BY LEGISLATIVE COUNCIL.

12-11-2003 REPORT SENT TO AGENCY.

RNS:PGC

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☐ NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☒ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-116

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

4. Adequacy of References to Related Statutes, Rules and Forms

It is unclear what authority s. 86.16 (1), Stats., provides for the rule. Section 86.16, Stats., addresses utility lines on highways.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. Trans 300.34 (4) (c), a "(4)" should be placed before the "(c)" to indicate the proper subsection.

PART 4
CR 03-116

ANALYSIS OF FINAL DRAFT OF TRANS 300

(a) **Need for Amended Rule.** This proposed rule making addresses the installation, operation and specifications for retractable school bus crossing gates which will be required on all school buses effective May 1, 2004 as provided by 2001 Wis. Act 58. The Department is also taking this opportunity to clarify minor points of confusion and to update the rule to include approved changes in equipment manufacturing standards, practices and technology.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on January 7, 2004. No modifications were made to the proposed rule as a result of testimony at the hearing. Upon further review, the Department added language for the removal of crossing gates in s. Trans 300.19 which requires that all school bus specific safety equipment be removed whenever a school bus is converted to any other use. This amendment only affects buses being taken out of school service.

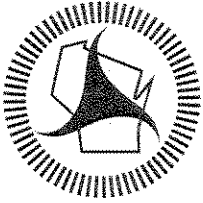
(c) **List of Persons who Appeared or Registered at Public Hearing.** The following person appeared/registered at the hearing:

Robert W. Christian, Executive Director, Wisconsin School Bus Association, P. O. Box 168, Sheboygan, WI 53082—spoke in favor of the rule.

The written comment period was held open until close of business January 9, 2004. No written comments were received.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained two recommendations, both of which were incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no significant adverse impact on small businesses.



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

The Honorable Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

January 14, 2004

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 300**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 03-116

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-116**, relating to **school bus equipment standards**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Joseph Leibham/Representative Glenn Grothman/
David Collins/Sgt. David Pabst

Lindstedt, Daniel

From: Lindstedt, Daniel
Sent: Tuesday, February 03, 2004 2:55 PM
To: Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Boardman, Kristina; Lindstedt, Daniel; Meinholz, Susan; Natzke, Ryan; Phillips, Matt; Piliouras, Elizabeth; Prange, Katy; Shepherd, Jeremy; Smith, Heather; Lovell, David; Salm, Don
Subject: Senate Committee on Transportation and Information Infrastructure: Receipt of Rule 03-116

PLEASE OPEN THE ATTACHED WORD DOCUMENT TO REVIEW THE NOTICE FOR RECEIPT OF: CLEARINGHOUSE RULE 03-116 (CR 03-116).

HARD COPIES WILL NOT BE DISTRIBUTED.



CR 03-116 notice,
DKL, 01.16.0...

Daniel Lindstedt

*Clerk, Senate Committee on Transportation and
Information Infrastructure*

Office of State Senator Joe Leibham

State Capitol, Room 409 South
Madison, WI 53707-7882

(608) 266-2056 (o)

(608) 282-3549 (f)

www.legis.state.wi.us/senate/sen09/news/index.htm

MEMORANDUM

DATE: Monday, February 2, 2004

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure

FROM: Senator Joe Leibham, Chair
Senate Committee on Transportation and Information Infrastructure

RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

Clearinghouse Rule 03-116 (CR 03-116) relating to school bus standards.

THE DEADLINE FOR ACTION ON THIS RULE IS: Friday, February 16, 2004.

Attached is a copy of CR 03-116 in .pdf format. Hard copies are available from the Committee Clerk, upon request.



CR 03-116, DKL,
01.16.04.pdf